

Lawrence Livermore National Laboratory Workforce Restructuring Plan Response to Public Comment

Comments and Questions have been grouped based on topic.

TIMING OF NOTIFICATION OF WORKFORCE RESTRUCTURING

1. Question/Comment: Page 5, states that it is "an objective of 120 days notice". Should this not be stronger and state a minimum 120 day notice?

Response: Section 3161 of the Defense Authorization Act of 1993 provides that notice of changes in the work force at a DOE defense nuclear facility should be provided not later than 120 days before the changes are to start. This is a goal rather than a requirement.

2. Question/Comment: On Page 5, Section III B - This section is so weakly worded that it has no effect. It should say "Advance notification of intent to implement workforce restructuring actions shall be provided no less than 120 days before that action is implemented." This 120-day requirement should not be relieved because of availability of funds or other circumstance caused by the US Government. The policy of the DOE, NNSA, and LSO must be to provide the required funds, etc., to ensure that 120 days notice can be given.

Response: See response to question 1

3. Question/Comment: III.B. If notice does not meet the minimum time requirement, then compensation should be provided. (i.e., 8 week notice required; if only 4 weeks notice is given, then affected employees should receive 4 weeks pay. {pay in lieu of notice})

Response: See response to Question 1. Also, it should be noted that there is no remedial scheme regarding DOE /NNSA failure to provide the notice set forth in Section 3161 of the Defense Authorization Act of 1993.

4. Question/Comment: III.B. 120 days notice is too long. It only creates anxiety and decreases moral. 30 days is more reasonable.

Response: Thank you for your comment.

5. Question/Comment: Page 5 Section B What happens if notification occurs <120 days?

Response: See response to question 3.

6. Question/Comment: I see nothing in this plan for time in service. Why is that? It should be the highest reason to keep someone, this above all else shows someone's worth and skills. Why is it that we are only getting 30 days or less to respond to this when we were told we had 120 days? Also we here at the LLNL were told that this plan would not be sent out for the comment period until the continuing resolution was ended so why is this happening now?

Response:

Section 3161 of the Defense Authorization Act of 1993 provides that notice of changes in the work force at a DOE defense nuclear facility should be provided not later than 120 days before the changes are to start. There is no requirement that stakeholders must be provided with 120 days to provide comments regarding proposed workforce restructuring actions. This Workforce Restructuring Plan establishes that a restructuring of the LLNL workforce MAY take place in the future, and sets forth, among other things, what general procedures will guide that restructuring and what benefits may be available to employees affected by the restructuring. Because of the significant delay in ending the Continuing Resolution, NNSA believed it was important to promptly notify stakeholders of the potential for workforce restructuring. If circumstances require an actual restructuring, employees will be notified of actual, relevant procedures by their employer. The 120 day notice provision is not a requirement. Rather, it is an objective to which LLNL hopes to adhere. With respect to time in service, see LLNS Personnel Policy Manual Section K.III.1.3 for information on 200-Series career indefinite employees. For all other

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employees, excluding flexible term employees and key personnel (as defined in LLNS Personnel Policy Section A.III.6.7.), see personnel policy Section K.III.2.3.

7. Question/Comment: [Part] II. Section B. Timing of Notification of Workforce Restructuring: LLNL has already failed at communicating frequently, openly, and honestly with employees. While LLNL is announcing the plan, many supervisors and managers have already made lay off lists with many employees being returned to their home organizations (matrixed).

Response: DOE/NNSA cannot comment on alleged particular practice or actions taken by LLNS managers.

8. Question/Comment: When does the 120 days begin?

Response: The 120 days began on October 21, 2007, the date the Draft Workforce Restructuring Plan was posted for public comment.

WORKFORCE PLANNING – SKILLS INVENTORY

9. Question/Comment: Page 5, "Skills Inventory". Please add a clause permitting each employee to review the final skills inventory prepared for him/her.

Response: Thank you for your suggestion. Employees are encouraged to ensure that the information in their personnel files accurately reflects all of their education, retraining, certifications, etc. Individuals are encouraged to contact their employer Human Resources department for additional information on how this may be accomplished.

10. Question/Comment: Two comments/questions: First, regarding the Skills Inventory required by the LLNL Contractor, I believe it is important to communicate to employees where to find this inventory information and how to update the inventory information. Second, the LLNL Contractor is required to maintain a three-year workforce assessment. Will this assessment information be available to employees? Having this information would be advantageous for those motivated to adjust their skills and training according to the future outlook.

Response: Thank you for your comment. Employees are encouraged to ensure that the information in their personnel files accurately reflects all of their education, retraining, certifications, etc. Individuals should contact their employer Human Resources department for additional on how this may be accomplished. Your employer, LLNS, will determine whether the workforce assessment information will be available to its employees.

11. Question/Comment: Page 5 Section C How do employees ensure their skills inventories are accurate?

Response: See response to question 9.

12. Question/Comment: Page 5, Section #1 Skills Inventory, First Paragraph last sentence. "Employees should be encouraged to" How do I ensure all my skills are listed, how can I see first hand that this is accurate?

Response: See response to question 9.

13. Question/Comment: Page 6, Section #2 5th line down. "The assessment will be expressed in terms of occupational categories". What are the categories?

Response: For planning and descriptive purposes, DOE has the Common Occupational Classification System (COCs) that DOE and NNSA contractors must use when reporting workforce activity to the Department. The Classification Codes, at the "Occupational Family" level are:

- M000 – Management
- E000 – Engineers
- S000 – Scientist
- P000 – Professional/Adminstrative

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G000 – General Administrative
T000 – Technicians
C000 – Crafts
R000 – Operators
L000 – Laborers

Within these COCs, LLNS is expected to use its existing job classification system. You may obtain additional information from your employer's Human Resources Department.

14. Question/Comment: I am concerned about the level of detail describing the 'skills inventory.' In theory, a 'skills inventory and assessment' seems like the right thing to do to manage a restructure. However, in practice, how such an inventory of skills is actually gathered and updated will have profound impact on *all* the stakeholders. There are simply not enough details regarding how this inventory will be conducted to make comments on except to say that it is NOT sufficiently described, particularly given its dramatic impact on the impartiality of the restructuring it would affect.

Response: The contractor will assess skills and update the skills inventory prior to any workforce restructuring and will be express skills as set forth in COCs occupational categories. Employees are encouraged to ensure that the information in their personnel files accurately reflects all of their education, retraining, certifications, etc. Individuals may contact their employer Human Resources department for additional on how this may be accomplished.

15. Question/Comment: What is a skills inventory, who will perform it and how will it be done?

Response: A skills inventory is a listing and assessment of skills available at the facility. LLNS management will conduct the skills inventory. They will complete an updated skills inventory and assessment of skills needed prior to any workforce restructuring involving employee separations.

BACKFILLING VACATED POSITIONS

16. Question/Comment: III.C.3 Workforce Planning and Restructuring. "The Department strongly discourages hiring from the outside..." Issue: This language potentially leaves a loophole to 'purchase' contractors which is technically not hiring.

Response: Thank you for your comment. No change to plan required. The Department discourages the backfilling of any eliminated position, regardless of the means by which backfilling may be accomplished.

17. Question/Comment: III.C.3. Instead of "strongly discourages", usually there's a time limit on hiring new individuals for positions, or holes created, during an involuntary separation program - typically a year or so. For voluntary separations, the number of individuals accepting the voluntary may exceed the target, and refilling a portion of these vacancies should be allowed.

Response: Thank you for your comment. The contractor has been directed to make every attempt will be made to avoid the backfilling of eliminated positions, including limiting the number of employees with critical skills from participating in a Self-Select Voluntary Separation Program (SS VSP) such that their positions would have to be filled after the workforce restructuring. No change to plan required.

18. Question/Comment: [Section] III. 3 "The department strongly discourages hiring from the outside....." While many high paid managers have already been brought in by the new contractor thus creating a need to lay off existing employees, it is very disheartening to read that DOE will allow positions to be backfilled. Yes, you are allowing it. You may strongly discourage it, but there is nothing in place to prevent it, thus you are allowing positions to be backfilled. For example, even while drafting the plan, many positions have already been created by LLNS and filled as part of the new management.

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Response: The contractor has been directed to make every attempt will be made to avoid the backfilling of eliminated positions

WORKFORCE RESTRUCTURING PROCESS

19. Question/Comment: It appears that potential retirees (age 50 and above) could be included in the involuntary (or voluntary) separation (e.g.- not for cause). The Plan needs to distinguish the possibility that a Separation could indeed transform into a voluntary retirement with the appropriate medical coverage as defined by the person's specific retirement situation. The plan gives the negative impression that the involuntary separation could deprive the affected employee (of retirement age) of the right to retire ... or possibly be forced to retire early and thus losing the separation benefits provided in an ordinary separation situation (had he/she NOT retired). Whatever positive financial incentives (specifically: 1 week pay for each year of service) are granted to Involuntary/Voluntary Separation (e.g. not for cause) should also be offered to induce early retirements that result in the same restructuring goals.

Response: This Workforce Restructuring Plan establishes that a restructuring of the LLNL workforce MAY take place in the future, and sets forth, among other things, what general procedures will guide that restructuring and what benefits may be available to employees affected by the restructuring. If circumstances require an actual restructuring, employees will be notified of actual, relevant procedures by their employer. Career indefinite employees may apply for the Self-Select Voluntary Separation Program (SS VSP) . An employee who is permitted to participate in the SS VSP and receives SS VSP benefits may also elect to retire upon separation from employment.

20. Question/Comment: IV.A. Second Bullet - This needs to be reworded/clarified. Does this refer to each individual restructuring during a twelve month period or does it refer to the accumulated total restructuring during any twelve month period?

Response: The language has been changed to clarify that the plan applies to the total number of restructurings over the course of a year.

21. Question/Comment: IV.A. Fifth Bullet - What is the expectation? When should they be notified? How should they be notified?

Response: This Workforce Restructuring Plan establishes that a restructuring of the LLNL workforce MAY take place in the future, and sets forth, among other things, what *general* procedures will guide that restructuring and what benefits may be available to employees affected by the restructuring. If circumstances require an actual restructuring, employees will be notified of actual, relevant procedures by their employer.

22. Question/Comment: IV.A. [General Workforce Restructuring] Fourth Bullet - "notices" should be changed to "notifications".

Response: Thank you for your comment.

23. Question/Comment: This does not tell us much, you need to be more specific on what exactly would be offered to employee's who get laid off and who voluntarily leave the lab. Not much to comment on!

Response: This Workforce Restructuring Plan establishes that a restructuring of the LLNL workforce MAY take place in the future, and sets forth, among other things, what *general* procedures will guide that restructuring and what benefits may be available to employees affected by the restructuring. See LLNS personnel policies for further information on layoffs.

24. Question/Comment: Giving employees 1 week pay for each year worked is non-sequitur to the laying off process. In the past, work-force restructuring was tied some way to retirement benefits and so adding certain benefits for each year worked made sense. However, this proposed plan is basically a lay-off plan and what should be implemented is a fixed price incentive/sending off payment for each employee regardless of years worked. This

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way, it will limit lawsuits from employees who have not worked at the Lab very long and claim they have been discriminated against.

It would be different if the Lab was a union work-place where seniority determined the lay-off process. However, the lab is not seniority based and to give more incentives to people with more seniority is just inviting lawsuits from those who will be laid off with less service years. Even if the Lab wins the lawsuits, they will be very costly. Whereas, simply giving a fixed settlement to all laid off employees is fair and easily defensible in court. Looking at it from a different perspective, one of an employee with many years of service, there also appears to be an attempt at discrimination based on age. Let's say for example, that an older employee is involuntarily laid off. He/she could easily make it an age discrimination case simply because the Lab is giving more money to people with more years of service and it shows that the lab is targeting older people with lay offs. In both cases, a flat rate lay off payment will be far cheaper in the long run. I would suggest something on the order of 20 weeks. Further, for those employees who have been laid off, the opportunity to go back and change their decision on retirement plan should be made available. Any employee that gets laid off in the first year of the new contract, will very likely take the Lab to court over retirement options and will most likely win that case. If this option is not allowed, the legal expenses will be very high for the Lab. To be honest, these are simple changes where the likely cost of litigation needs to be taken into account.

Response: Thank you for your comment. No change to plan required.

25. Question/Comment: Page 6 Section IV It is not clear when the voluntary versus involuntary separations would be implemented. Does the voluntary occur before the involuntary? Or is the decision at the discretion of LLNL?

Response: A SS VSP would be offered in order to minimize the number of involuntary separations required. If a self select option is offered, it would precede any involuntary layoffs.

26. Question/Comment: Page 5, Third Paragraph, last Sentence. "To minimize this anxiety, the LLNL Contractor will communicate frequently, openly, and honestly with employees." This has NOT happened. I have been displaced for over 3 weeks and not one word has come down from the "COMP" management.

Response: Thank you for your comment. Questions regarding individual situations should be directed to your employer's Human Resources Department.

27. Question/Comment: There is a threshold of 100 employees during a 12 month period above and below which different forms of notification and approval are required. Why absolute numbers? Why not some percentage of total workforce? Also, is this number site-wide or per department, division, etc? I could easily see situations in which 3 departments each decide to restructure resulting in 50 employees being laid off for a total of 150. How is that handled? If one department goes first using the 'below 100' rules and a couple of months later the other departments need to go, are they then limited to 25 each using the 'below 100' rules? Or, if they each move ahead with 50 lay offs, are they then burdened with the 'above 100' rules where the first department wasn't?

Response: The notification and approval requirements are established by DOE/NNSA policy and regulation. The numerical thresholds apply to any Section 3161 workforce restructuring at a facility, not at a particular department or division, within a rolling 12-month period. The numerical thresholds also apply to cumulative workforce restructuring actions, so that if the total number of affected employees within a 12-month period passes a threshold, the relevant notifications and approvals apply.

28. Question/Comment: As a 32-year employee of LLNL, I read the LLNS draft 3161 plan with considerable interest. My fundamental concern lies in the fact that the plan stipulates a number of complex processes (skills inventory, skills match to job requirements, etc.) as yet untried in the LLNL/LLNS environment and based on personnel policies yet to be released or exercised. I strongly suggest that NNSA withhold approval of the LLNS Workforce Restructuring Plan until LLNS has issued (and NNSA has reviewed) the personnel policies which will underlie any future actions.

The 3161 plan as proposed fails to clarify whether career indefinite term employees in organizations impacted by

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workforce restructuring will have "bumping" rights with respect to positions in other organizations or projects currently filled with supplemental labor or term employees (assuming comparable skills). Also unclear at this point is the role seniority will play in similar circumstances where the position in question might currently be filled by an employee of comparable or even lesser skills but with less seniority.

Response: Thank you for your suggestion. This Workforce Restructuring Plan establishes that a restructuring of the LLNL workforce MAY take place in the future, and sets forth, among other things, what general procedures will guide that restructuring and what benefits may be available to employees affected by the restructuring. If circumstances require an actual restructuring, employees will be notified of actual, relevant procedures by their employer.

29. Question/Comment: A (IV.C) Maybe its folklore but many of us have believed that if there ever was a Workforce Restructuring that the order of reduction would be: 1 - Contractors, 2 - Flex Terms, 3 - Career employees. There is not any mention of these priorities in this section where it seemingly would be stated. Suggestion: Make explicit, that if in fact a contractor and/or Flex Term can be retained over an employee, what the situation would be.

Response: Before any restructuring takes place, the contractor will consider alternatives such as the release of contractor and flex-term employees.

PLAN APPLICABILITY

30. Question/Comment: IV. This section should also include term employees who are not "picked up" at the end of their term. Otherwise the contractor can let all term employees go at the end of their term and not label them as "separations".

Response: Term employees are ineligible for the benefits set forth in Section IV of the draft Workforce Restructuring Plan.

31. Question/Comment: I am a retired (for about two years) Laboratory Associate, and I work at about 40% time. I and other Laboratory Associates contribute very much to the Lab, because of our experience, capabilities, dedication, and efficiency, even when measured on a per income basis. I have read the Restructuring Plan, and overall it seems reasonable and, unfortunately, necessary. But does it have anything to do with us?

Response: This 3161 Plan applies to career indefinite employees only.

32. Question/Comment: It's unclear to me whether flex term employees are considered "Regular Employees". If flex term employees are not considered to be Regular Employees (since they have a specified end date), how do they enter into the restructuring plan? Is there any distinction as to how the workforce restructuring plan will affect Career Indefinite employees and Flex Term employees?

Response: The general processes described in the draft workforce restructuring plan pertain only to career indefinite employees. The plan refers to "regular" employees only with respect to the Section 3161 rehire preference. Flexible employees are not "regular" employees, as they are not employees "employed for an indefinite period with no specified ending date," and thus are not entitled to the rehire preference.

33. Question/Comment: In regards to the purposed restructuring plan at LLNS and understanding the definition of a full time or indefinite career employee and when referring to contractor employees does this include indefinite career employees or contractor employees such as Johnson Controls or does this include all employees regardless of they are a contractor or LLNS employee? Is the statement true that if you were hired after September 27th 1991 that you will not be eligible for the following benefits: internal transfers, retraining assistance or rehiring preference? My situation: I was hired as a full time indefinite career position just over 5 years ago and if I understand the purposed plan only those employees who have 16 or more years of experience would be considered as full time indefinite career status. If this is correct then my indefinite career status would not qualify me or other employees hired after Sept.27th 1991 for any of the benefits stated above in the purposed restructuring plan.

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Response: The September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. Section 3161 is a regulatory requirement and is specific in its applicability. NNSA expects LLNS to adhere to rehiring preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III). Please also refer to your LLNS Policies and Procedures Manual for information regarding internal transfers (Section K.III.2.6.1) and retraining assistance (Section K.III.2.5).

34. Question/Comment: The plan calls for approval for separation programs involving more than 100 employees within a twelve month period. How are employees defined? How is separation defined? I have also seen references in other DOE documents that refer to "workers". Has LLNL violated this already by letting go sub-contract workers and flex-term workers? Sure seems like there have been more 100 workers separated at LLNL already without a plan put into place.

Response: The focus of this plan is on career indefinite employees whose applications are selected for a SS-VSP or who are selected for separation in an involuntary separation program.

SELF-SELECT VOLUNTARY SEPARATION PROGRAM

35. Question/Comment: It certainly doesn't seem like an "across the country, one size fits all" restructuring plan is appropriate. Because of a higher cost of living in northern California, maybe a plan like the 1996 one is more appropriate. LLNS will have the cost offset by not having to pay into the 401k match and could possibly make up the increases cost of 2x each year in severance and some educational monies. This might be a better long term plan rather than a short term push. By the way this is my opinion. I am not trying to be biased for self gain; it just makes more sense for a voluntary and involuntary offer to not be the same.

Response: No additional incentives will be offered in connection with any Section 3161 workforce restructuring.

36. Question/Comment: Without significant incentives for self-select voluntary separation, it becomes a very limited part of any reduction of the laboratory's work force. It appears that it would only fit those individuals that are already planning to leave the lab for another job. The plan states that the severance will be the same for both self-select voluntary separation and involuntary separation. Given that most workers would like the option of collecting unemployment, which they would not qualify for if they voluntarily quit (self-select voluntary separation), it is unlikely that many will choose this option. So one must ask, "what is the point?"

It is very likely that there will be a reduction in force and in recent history DOE and the University have successfully managed these by providing incentives for those who choose to voluntarily separate. It appears that the current DOE and the current laboratory contractor is willing to abandon tried and true processes for restructuring the lab and replacing it with a cheaper and more brutal process. The cheaper more brutal process has already come to light in the recent announcement to withhold pay raises. It seems that this should have been part of the restructuring plan. If pay raises are withheld then there should be some promise to eliminate all prospects of layoffs. Any effort to withhold pay raises and continue with layoffs will be viewed as a "lose-lose" situation for the laboratory workers. Clearly all of this is intertwined with the proposed work force restructuring and should be addressed in the work Force Restructuring Plan.

Response: No additional incentives will be offered as part of any Section 3161 workforce restructuring.

37. Question/Comment: I am concerned that the proposed restructuring plan does not so much as mention the concept of "retirement incentive" in order to achieve staffing reduction objectives at the Lawrence Livermore National Laboratory (LLNL). This omission seems to be in sharp contrast each of the objectives that are clearly identified in the first paragraph of the draft plan (<http://www.doel.gov/WRLNL/Default.aspx>): "The objectives of such a plan are to minimize involuntary separations, reduce the social and economic impacts of restructuring on individuals who are involuntarily separated, and mitigate the detrimental effects of restructuring on the surrounding communities."

The draft plan goes on to explain that the future staffing needs in any specific area of expertise at LLNL are uncertain and difficult to project: "Uncertainties regarding mission, as well as the skills that will be needed to accomplish future missions, make detailed, long-range planning and projections extremely difficult." Given these

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objectives and conditions, omission of a retirement incentive plan -- other than severance pay -- serves to destroy the plan's integrity. Please ensure that the option of using retirement incentives to achieve necessary staffing reductions is formally addressed in the LLNL restructuring plan.

Response: No additional incentives will be offered as part of any Section 3161 workforce restructuring.

38. Question/Comment: IV.B. Typically voluntary separations have enhanced benefits over involuntary separations to entice workers to apply for separation. Typical enhancements include added age/service for retirement eligibility.

Response: No additional incentives will be offered as part of any Section 3161 workforce restructuring.

39. Question/Comment: The SS VSP, as presented in Section IV.B of the LLNL Draft Plan, seems more or less superfluous as proposed. Without some additional incentive, there is no real reason presented for an individual to participate in the SS VSP. The result for the employee is the same if he/she simply waits around to see if they will be included in an ISP. As stated in my previous email, they even appear to lose preference for rehire, since it becomes a voluntary separation. It sounds as if the SS VSP author's are counting on individuals to identify where their participation would prevent the involuntary separation of other employees. That would seem to imply that the other employee would be the target of an ISP under which the volunteer would be staying. How is that a benefit to LLNL? Of course it's not, and the volunteer's participation can be denied. Which brings the situation back to where it was prior to the employee volunteering.

Response: No additional incentives will be offered as part of any Section 3161 workforce restructuring.

40. Question/Comment: I have reviewed the 10-22-07 LLNL Draft Workforce Restructuring Plan dated 10/22/07, and I am deeply concerned with the provisions described in Section IV.B., "Self-Select Voluntary Separation Program (SS VSP)." This section implies that an eligible employee who applies for such a program could be turned down based on highly subjective factors related to continuing mission requirements of the Laboratory. This is in sharp contrast to every other voluntary separation program held by LLNL, where volunteers who met specified criteria (e.g., job classification, payroll account, seniority) were automatically allowed to participate.

The introduction of subjective factors would be viewed as discriminatory, would negatively impact morale, and would probably lead to lawsuits. More importantly, it is fundamentally unfair to deny someone the right to participate because he or she was more valuable than someone who was allowed to participate. Finally, the career of anyone denied participation would be severely prejudiced once their desire to leave LLNL was made known. I strongly recommend that this section of the draft plan be revised so that acceptance in a voluntary program will be based on objective criteria only.

Response: In keeping with the Department's policy of discouraging backfilling, contractors are encouraged not to permit employees to participate in the SS VSP if they engage in work so critical that the contractor must fill their position upon their departure.

41. Question/Comment: Page 7, Section B. What will be the terms of the SS VSP? Will it be 3 and 3, or 5 and 5, etc.?

Response: No additional incentives will be offered as part of any Section 3161 workforce restructuring. This Workforce Restructuring Plan establishes that a restructuring of the LLNL workforce MAY take place in the future, and sets forth, among other things, what *general* procedures will guide that restructuring and what benefits may be available to employees affected by the restructuring. If circumstances require an actual restructuring, employees will be notified of actual, relevant procedures by their employer.

42. Question/Comment: What will be the factors for deciding who is eligible for a voluntary?

Response: It is anticipated that employees in skills classifications that have been identified as having more employees than needed or whose voluntary separation would prevent an involuntary separation may be offered the opportunity to volunteer for separation. Contractors have the right to decide which SS VSP applications to accept.

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43. Question/Comment: Section IV.B, SELF-SELECT VOLUNTARY SEPARATION PROGRAM (SS VSP):

The draft policy states that individuals who voluntarily participate in an SS VSP will receive the same severance pay which they would have received had they been involuntarily separated. The contractor should have the option, subject to NNSA approval, to increase the severance pay for voluntary participants. At LLNL, recent contract changes have provided employees at least two major opportunities to leave or retire voluntarily: (1) at the end of June in order to preserve a COLA increase, and (2) at the end of September when the UC contract ended. Individuals currently employed by LLNS are unlikely to be planning on a very near-term separation. Furthermore, individuals who are involuntarily separated appear to receive two significant benefits above what a voluntary separated individual would receive: (1) they will be paid for ~120 days until the involuntary separation process is invoked, and (2) they will be eligible for unemployment benefits. If NNSA truly desires as many voluntary separations as possible, it will preserve the flexibility to offer a separation based on the specific situation existing that the time the restructuring plan is implemented.

Response: No additional incentives will be offered as part of this Section 3161 workforce restructuring.

44. Question/Comment: The proposed workforce restructuring plan for LLNL does little to maintain morale during any restructuring which might take place. One small way to assist in maintaining morale would be to have employees feel that they were not on the receiving end of punishment for budget shortfalls. A somewhat more expensive 'restructuring' charge, in order to provide some incentive for voluntary self-selection, could accomplish two things. First it would induce a larger number of volunteers, and second, it would let remaining employees see that the restructuring was being done with as much concern for the welfare of the employees leaving as possible. LLNL's last voluntary reduction in staff induced approximately 600 employees to accept the plan. That plan included 2-weeks of pay for each year of service (with a maximum cap of 26 years of service allowed). Employees taking the incentive separation had to weigh the economic benefit of the incentive vs. continued employment. After the separation, the morale of the remaining employees was relatively high. There was enough funding to cover the remaining workforce, and they did not feel their colleagues had been 'punished' for being at LLNL during a tight budget period.

If a plan with some sort of incentive for accepting it were implemented early in the fiscal year, the restructuring cost could be covered by the existing year's funding (since the salary costs of departing employees would cease, and ongoing saving would accrue).

An incentive of the magnitude used by LLNL in 1996 is in line with typical incentive or severance packages in industry. In 1972 a more generous package was offered at Sandia, with the result that too many employees wanted to accept it and they had to be turned away. If I remember correctly, the overly-generous severance pay offered in 1972 was closer to one-month for each year of service. Such a generous incentive is clearly more than what was needed to maintain morale, and actually had the opposite effect of having many employees disappointed they were excluded. LLNL's previous VSIP in 1996 appears to have been a successful balance, generous enough to entice an acceptable number of employees to volunteer to leave, without having to prevent an excessive number of employees from wanting to leave. That balance did much to maintain morale during a difficult funding period. A similar incentive to accept separation would do much to maintain morale during the current fiscally difficult period.

Response: No additional incentives will be offered as part of any Section 3161 workforce restructuring.

45. Question/Comment: In consideration of all the upheaval the recent contract change has created, I believe that the final workforce restructuring plan should include a much more generous SS VSP. Many of us have spent our entire careers here at LLNL with the promise of a solid retirement pension. I have been at LLNL 28 years, with 5 years at Sandia Lab, all in Livermore. The recent contract change has made it necessary for me to freeze my UC retirement, and the growth it should have had over the next few critical years. I am too young to retire (53) considering the cost of living in the bay area. I feel that increasing the severance to two weeks pay for each year of service up to 26 weeks, and adding 3 years of age/service credit would be fair to all those dedicated employees like myself who have served their entire careers in Livermore, when they could have taken their SKA's elsewhere and enjoyed much higher compensation. We stayed for the stability factor. That stability is being slowly eroded which puts the security and stability of our country at risk. We need to be able to retain the best and brightest. That includes taking care of those who have served this country so well.

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Response: No additional incentives will be offered as part of any Section 3161 workforce restructuring.

46. Question/Comment: Pages 7-8 "Self-Select Voluntary Separation Program". There does not appear to be any incentive for someone to self-select - same severance pay and same Displaced Worker Medical Benefits. By self-selecting, the employee forfeits the LLNS/LLNL personnel policy of advance notification. This plan must allow for the benefit to self-select voluntary to be greater than involuntary. It could be capped in terms of a percentage of the standard severance pay.

Response: No additional incentives will be offered as part of any Section 3161 workforce restructuring.

INVOLUNTARY SEPARATION PROGRAM

47. Question/Comment: This is easily [seen as] an exercise in getting rid of older workers with too many benefits, just before they can collect their retirement. I predict that this will target older minority employees. Please check the RIF list carefully for protected classes.

Response: Contractors have been instructed to conduct any restructuring consistent with applicable laws and regulations, including those relating to equal employment and diversity.

48. Question/Comment: The 1000s of hours sick leave saved by employees toward retirement service credit can be zeroed out unfairly. Please give this credit to any RIF'd employee as LLNL service credit upon reduction. That fulfills a promise by DOE to be substantially equivalent. Otherwise DOE benefits by tossing hundreds of thousand of hours of earned sick leave, in itself an incentive to RIF older workers who have earned too many benefits.

Response: Pursuant to the LLNS/DOE contract, employees separated in any workforce restructuring are not entitled to accumulated sick leave on termination. Pursuant to the tentative terms of the LLNS defined benefit plan, employees eligible for retirement may use their sick leave as a service credit if they choose to retire within 120 days after they are terminated. Employees who choose not to retire or are not eligible would lose their sick leave. "Reinstatement of sick leave" provisions can be found in the Personnel Policies and Procedures Manual, Section G.III.6.

49. Question/Comment: Please be aware that the State of California offers a very effective program that aids both employers and employees during times of revenue loss. It is called Work Share and is run by the state's Employment Development Division. Under Work Share employers are allowed to avert layoffs by reducing hours for all employees (Lab-wide or within selected departments) by 20 percent. The employees affected lose 20 percent of their wages but are allowed to collect unemployment compensation for that percentage. The employer is allowed to choose which departments go on Work Share and is free to choose the length of the Work share duration. The employer does not even have to announce in advance the length of the period; they are free to announce that the lab is going on Work Share for an "indefinite" period of time, then quickly discontinue the program at the point a return to a full work force is desired. My previous employer incorporated Work Share a number of times and we all found it quite successful.

- It is imperative that layoffs be averted to keep employer/employee trust which is the foundation of a productive and safety oriented atmosphere. Attention to safety has been replaced by concerns about job security here at LLNL recently. It would be irresponsible for DOE to simultaneously expect a top-notch safety facility while cutting jobs at the same time. The employer was able to maintain the full work force on "standby" until needed.
- Employees were able to retain their jobs and full benefits.
- The employer was able to "buy time" to allow further attrition to reduce the workforce to the desired level.
- Morale and teamwork philosophies were maintained as the burdens of less revenue were shared within the "family" as opposed to singling out a few individuals to bear the entire burden of the reduced funding.

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I sincerely hope that you give this program some consideration and mandate that this option be incorporated before involuntary separations take place. Detailed information can be obtained from the State of California Employee Development Department at: <http://www.edd.ca.gov/eddws.htm>

Response: This Workforce Restructuring Plan establishes that a restructuring of the LLNL workforce MAY take place in the future, and sets forth, among other things, what *general* procedures will guide that restructuring and what benefits may be available to employees affected by the restructuring. If circumstances require an actual restructuring, employees will be notified of actual, relevant procedures by their employer. If a restructuring becomes necessary, consideration will be given to options that would mitigate the need for or impact of involuntary layoffs.

50. Question/Comment: After reading through the entire document (3161) I found it to be unspecific, unfair and most of all unethical. Please look to how companies like HP did their first layoff for guidance! When you have very high retention rates such as HP and the Lab, you end up with a much higher than average age for your employees. You also have a long history of mutual dedication. The first major layoff for companies in this situation dictates a more compassionate approach. HP started with an incentive program. Please adopt this approach. Retirement incentives are a good way to open up positions, be respectful to your employees, and provide financial security to the ISP employee. The "real" world is not this harsh.

There needs to be more information about the severance package. Many of the ISP employees will be in their 50's and will have worked at the lab their entire careers. They literally helped make the Lab what it is today. They dedicated their lives to the Lab and the Lab was committed to retaining them as employees. Unfortunately, do to a long line of decisions that had nothing to do with the performance of their employees, the lab must break this commitment. The ISP employee will have a difficult time finding work outside the lab. They will be in the unenviable position of being too young to retire but too old to get hired. Right in the critical time of their lives they will find themselves in a financial crisis without time to recover. Is this the way the Lab wants to known? George Miller talks about ethics. This decision will define him for the next decade. This will determine if the employee understands the importance of ethics or simply see them as management rhetoric. This will demonstrate what is more important - people or money. It is well within the power of LLNL to avoid this regrettable situation.

I ask that you reconsider your approach to ISP employees and adopt a more ethical and compassionate approach. At least match what private industry does.

Response: Employees selected for any Section 3161 SSVSP or ISP will receive severance in accordance with LLNS severance pay policy, which can be found in the Personnel Policies and Procedures Manual Section L.II.10.2. Information regarding notice to be provided to 200-series career indefinite employees can be found at Section K.III.1.4 of the PPPM. Information regarding notice to be provided to all other employees, except flexible term and key personnel (as defined in LLNS Personnel Policy Section A.III.6.7.) can be found at Section K.III.2.4 of the PPPM. No additional incentives will be offered as part of any Section 3161 workforce restructuring. This Workforce Restructuring Plan establishes that a restructuring of the LLNL workforce MAY take place in the future, and sets forth, among other things, what general procedures will guide that restructuring and what benefits may be available to employees affected by the restructuring. If circumstances require an actual restructuring, employees will be notified of actual, relevant procedures by their employer, as well as what specific benefits will be offered.

51. Question/Comment: In the context of self-selected voluntary separation the plan says such employees "will receive the same severance pay which they would have received had they in fact been involuntarily separated ...". However, no severance pay or other cash benefit is mentioned in the section on involuntary separation. Does LLNS have any policy regarding severance pay? If so, could you please provide some reference to this policy?

Response: Employees selected for any Section 3161 SSVSP or ISP will receive severance in accordance with LLNS severance pay policy, which can be found in the Personnel Policies and Procedures Manual Section L.II.10.2. Information regarding notice to be provided to 200-series career indefinite employees can be found at Section K.III.1.4 of the PPPM. Information regarding notice to be provided to all other employees except flexible term and key personnel (as defined in LLNS Personnel Policy Section A.III.6.7.) can be found at Section K.III.2.4 of the PPPM.

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52. Question/Comment: Any employees let go involuntarily should be given adequate severance pay to allow them to reasonably find a new job. The policy of 1 week of severance for each year of service being given by other NNSA sites seems reasonable. Also, employees, especially new employees who will not receive much severance, should be given as much time as possible between notification and termination

Response: Employees selected for any Section 3161 SSVSP or ISP will receive severance in accordance with LLNS severance pay policy, which can be found in the Personnel Policies and Procedures Manual Section L, II.10.2 . Information regarding notice to be provided to 200-series career indefinite employees can be found at Section K.III.1.4 of the PPPM. Information regarding notice to be provided to all other employees except flexible term and key personnel (as defined in LLNS Personnel Policy Section A.III.6.7.) can be found at Section K.III.2.4 of the PPPM.

53. Question/Comment: Seniority should be stated as a "value" in determining involuntary separations, in the Plan. For example, "last in - first out" policy for terminations. The future prospects for LLNL to hire good scientists will depend greatly on the reputation of the institution for its treatment of its employees. Attempts to save money on the backs of terminated employees may cost the institution much more in the long run.

Response: In any Section 3161 workforce restructuring, seniority will be considered for Series 200 employees in accordance with Section K.III.1.3 of the PPPM, and for all other employees in accordance with Section K.III.2.3 of the PPPM.

54. Question/Comment: Page 7, Second Paragraph, Last Sentence."for possible disparate impact on minorities and other protected classifications of employees." Please define "minorities" and define "protected classifications of employees".

Response: Executive Order 11246 of September 24, 1965, as amended by Executive Order 12086 of October 5, 1978, prohibits federal contractor employer discrimination on the basis of race, color, religion, sex, or national origin. DOE/NNSA will also particularly scrutinize proposed workforce restructuring actions for possible disparate impact based on other protected classifications, such as age.

55. Question/Comment: Page 8, Section C. In the middle of that paragraph it talks about the many factors that come into who are selected for the "involuntary separation program (ISP). Would the individual who is asked to leave the lab be able to see how that decision was made since the wording says it will be documented?

Response: This Workforce Restructuring Plan establishes that a restructuring of the LLNL workforce MAY take place in the future, and sets forth, among other things, what *general* procedures will guide that restructuring and what benefits may be available to employees affected by the restructuring. If circumstances require an actual restructuring, employees will be notified of actual, relevant procedures by their employer. Individuals selected for an ISP will not be permitted to see documentation regarding their selection.

56. Question/Comment: If there is an involuntary reduction in force will the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974 be followed?

Response: Any involuntary separation program will be conducted in accordance with all applicable laws and regulations, including those relating to employment discrimination and diversity.

57. Question/Comment: I felt the section on out-placement services (Section V, D) lacked a commitment to help employees with the financial hardship that an involuntary lay-off program would place on them. I would propose the plan explain how the contractor could help employees get resources like: 1) community assistance for housing (for example, the plan could propose bringing representatives from the local housing authority), 2) financial advisors that can help them re-structure home loans, and 3) locating lending institutions that may help them fund expenses through a time of unemployment.

Response: No such additional benefits will be offered in connection with any involuntary separation program. Please review your LLNS Personnel Policy Manual for information on any other benefits that may be available.

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58. Question/Comment: General Procedures For Workforce Restructuring, Page 7 - *"Consistent with its obligations under Executive Order 11246 of September 24, 1965, as amended by Executive Order 12086 of October 5, 1978, the Department will particularly scrutinize any proposed workforce restructuring actions involving fifty or more employees in a twelve-month period for possible disparate impact on minorities and other protected classifications of employees."* I'm not quite sure how to interpret this since there are classifications of personnel with low numbers. In that regards, fifty, in my mind, appears to be a high number. What chances does a minority have that falls in a classification that represents less than 1% of the total laboratory population?

Response: Regardless of the number of employees in any particular classification, any involuntary separation program involving 50 or more employees in a rolling 12-month period will be particularly scrutinized to avoid any disparate impact on protected classifications of employees.

59. Question/Comment: Please consider the value of Seniority when altering the work force. Seniority at LLNL has given us much diversity and tools to share with the programs that use us. I like to think of us as the real tools that give this fine place its credentials.

Response: In any Section 3161 workforce restructuring, the contractor will consider seniority for 200-series career indefinite employees in accordance with Section K.III.1.3 of the PPPM, and for all other employees except flexible term employees and key personnel (as defined in LLNS Personnel Policy Section A.III.6.7.) in accordance with Section K.III.2.3 of the PPPM.

ASSISTANCE AND BENEFIT PROGRAMS – RETRAINING

60. Question/Comment: On page 9, Section V A 2 - Impacted individuals should also be allowed to bid on funded vacancies throughout DOE, NNSA, and LSO on a preferred basis.

Response: Section V.C.1. of this Section 3161 Plan identifies eligibility for complex-wide hiring preferences in accordance with Section 3161. Information regarding rehire preference for career employees can be found at the PPPM Section K.III.2.

61. Question/Comment: I'd like to express an opinion regarding the DOE/NNSA draft general workforce restructuring plan for LLNL. It is in regards to the choices as to who may actually be involuntarily separated. First, let me express that I wish it were not necessary that any employee be involuntarily separated. I wish that we were still managed by the University of California instead of being forced to be taken over by a private corporation. I believe it is a huge mistake not only financially but also in regards to the human factor, and it is a national disaster.

I realize the restructuring plan is supposed to be based on a variety of factors including individual performance and skills needed to accomplish continuing site missions. I hope that LLNS management would also take into consideration those people who are of retirement age (late 50's) and are "double dipping" (meaning they are getting their UCRS retirement and have stayed on as a LLNS employee) when/if they are deciding who to let go. I realize everyone's personal/ financial circumstances are different, but I'd rather see someone like I've described above be separated than an employee in their early 50's or less be short changed with fewer options.

Response: Thank you for your comment.

ASSISTANCE AND BENEFIT PROGRAMS – DOE Displaced Workers Medical Benefits Program

62. Question/Comment: I wish to comment on the ill-planned RIFs that are being proposed for SNL, LANL and LLNL. There are many people at these three National Laboratories who have worked there for 20+ years. According to DOE rules they have earned 100% retiree healthcare when they retire. But they will unfairly lose this coverage in a RIF because they are too young to retire. It would appear that this reduction is being driven by the wishes of the Congress and the President, but, if implemented, not only will the DOE lose a considerable resource of expertise, but also this action will almost guarantee that the "brightest and best" of the young graduate students in

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physics and other needed scientific and engineering disciplines will avoid coming to SNL, LANL and LLNL under any circumstances. Indeed, such a boycott may well spread to other Federal agencies and installations, as well. The warning may well be, "Don't look to the Federal Government for long-term employment." I strongly urge you to review this proposal carefully and ensure that the DOE can retain the same cutting edge of science that it has had in the past. With some of our enemy nations ready to embark into nuclear weapons, it would be foolish to eliminate this source of expertise. Once it is let go, recapture in a timely manner will be impossible. Please ensure that RIFees from DOE programs can keep the retiree healthcare that they have earned.

Response: As stated in the Section 3161 plan, "[m]anagement and operating contractor employees who separate from employment voluntarily or involuntarily (other than for cause) and who were eligible for medical insurance coverage under the Contractor's plan at the time of separation from employment are eligible for medical coverage under the DOE Displaced Workers Medical Benefits Program (DWMBP), provided they are not eligible for coverage under another plan, e.g., another employer's group health plan, the Contractor's Retiree Medical Plan, a spouse's medical plan, or Medicare. Employee eligibility for retiree health care benefits is determined by the terms of the retiree medical plans. Service credit for retiree health benefit eligibility is calculated up to the point of separation.

63. Question/Comment: It is not fair to take away Retiree medical benefits by using a RIF.

Response: As stated in the Section 3161 plan, "[m]anagement and operating contractor employees who separate from employment voluntarily or involuntarily (other than for cause) and who were eligible for medical insurance coverage under the Contractor's plan at the time of separation from employment are eligible for medical coverage under the DOE Displaced Workers Medical Benefits Program (DWMBP), provided they are not eligible for coverage under another plan, e.g., another employer's group health plan, the Contractor's Retiree Medical Plan, a spouse's medical plan, or Medicare. Employee eligibility for retiree health care benefits is determined by the terms of the retiree medical plans. Service credit for retiree health benefit eligibility is calculated up to the point of separation.

64. Question/Comment: V.B. [DOE Displaced Workers Medical Benefits Program] I like this.

Response: Comment noted.

65. Question/Comment: Section V.B. M & O employees are eligible for medical coverage under DWMBP, provided they are not eligible for coverage under another plan, e.g., another employer's group health plan, the Contractor's Retiree Medical Plan, a spouse's medical plan, or Medicare (first and second year coverage is defined).

This has the potential for disparate treatment of separated employees. Example: Presently, employee #1's personal contribution for medical coverage for a family of four is just under \$200 per month prior to being displaced. For similar coverage under spouse's plan, the monthly cost is \$1,000 per month. Now, let's say employee #2, with the same medical coverage as employee #1, has a spouse who "chooses" to work part-time, and doesn't qualify for employer's medical coverage, though perfectly able to work longer hours to qualify. Employee #2, in this case, still continues to pay only \$200 per month after being displaced, while displaced worker #1 must pay \$1,000 per month.

This scenario is "totally" unfair. Coverage for "all" displaced should be provided for the defined first, and second years....period.

Response: Thank you for your comment.

66. Question/Comment: Are both flex term and FTE's eligible for medical benefits if they are separated?

Response: Eligible career indefinite employees voluntarily or involuntarily separated will receive Displaced Worker Medical Benefits in accordance with Section V.B of the Section 3161 Workforce Restructuring Plan. Please consult your personnel policies or Human Resources Department for questions on medical benefits available from LLNS.

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67. Question/Comment: Are veterans given preferences in hiring and promotion? If not, why not? Will laws requiring granting preferences to veterans in hiring and promotion apply to LLNS? Are these laws applicable to both public (post office and federal, state, and local civil service positions) and private sector employers?

Some LLNL Vietnam and Gulf War I veterans now developing illnesses related to their time in service, will it be difficult to collect disability payments while being treated for these illnesses. Will LLNS simplify procedures for collecting disability payments while recovering from service related illnesses?

Response: Preferences in hiring is defined by 3161 and PPM Section K.III.2. Specific information regarding assistance or benefits offered by LLNS can be obtained by contacting the LLNS Human Resources Department. The contractor has been instructed to conduct any involuntary separation program in accordance with all applicable laws and regulations, including those relating to equal employment and diversity. Assistance in collecting disability payments will not be offered.

68. Question/Comment: Section B appears to indicate that employees “who separate from employment voluntarily or involuntarily” ... are eligible for medical coverage under the DOE DWMBP... This DWMBP appears to be more comprehensive and longer in duration than the standard 18-month COBRA. Is there more information on this plan? Also, is this option available at any time for workers who separate employment or only during the “workforce restructuring” timeframe? COBRA is available to all workers who separate [from] employment.

Response: The DWMBP allows for continuity of medical benefit coverage, as described in detail in the plan. This program is different than COBRA.

ASSISTANCE AND BENEFIT PROGRAMS – HIRING PREFERENCE

69. Question/Comment: My primary concern is the Section C.1 and Appendix B definition of "regular employees" in the context of contractor preference in hiring. The language in both places states: "Regular employees are individuals employed for an indefinite period with no specified ending date." LLNL has a category of employees referred to as "Flex Term" - those employees have a specified ending date (the Flex Term is for six years). Generally, Flex Term employees were/are new hires to LLNL. Therefore, they would not normally meet the "Cold War Worker" eligibility requirement for preference in hiring. But there are some Flex Term employees who hired on with LLNL directly from other NNSA Laboratories or Contractors, who otherwise meet all eligibility requirements. In some cases, these individuals have been continuously employed at a DOE defense nuclear facility since well before September 27, 1991. Each of these individuals represents a tremendous investment on the part of the NNSA. To specifically exclude these career employees for preference in hiring is short-sighted given NNSA's goal of maintaining the integrity of the core competencies of the Laboratory (and the Complex). I request that the subject plan be revised to specifically **include** Flex Term LLNL employees as "regular employees" in the context of preference in hiring.

Response: The Section 3161 hiring preference applies to employees who meet the Section 3161 “attachment” test established under longstanding DOE/NNSA policy regarding Section 3161 and described in the “Hiring Preference” section of the plan. A flex term employee is not eligible for the rehire preference under this attachment test.

70. Question/Comment: Section V.C.1 (first sentence of the paragraph): *To the extent practicable, and in accordance with applicable policies and bargaining agreements, involuntarily separated LLNL employees who (a) otherwise meet the eligibility requirements contained in this Plan, and (b) will receive a hiring preference with respect to vacancies for positions for which they are qualified or to the extent practicable in the circumstances, for which they may become qualified.*

Sorry, but this is not a well-formed sentence. The problem, I believe, is in the inclusion of the (a) and and (b) parts of the sentence. Otherwise, the sentence has a subject but no predicate. I think something like this is more correct:

To the extent practicable, and in accordance with applicable policies and bargaining agreements, involuntarily separated LLNL employees who otherwise meet the eligibility requirements contained in this Plan will receive a

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hiring preference with respect to vacancies for positions for which they are qualified, or to the extent practicable in the circumstances, for which they may become qualified.

Response: The sentence has been revised.

71. Question/Comment: On page 10, Section V C 1 - The first sentence of this paragraph is grammatically incorrect (missing the verb for the sentence), and may be missing text intended to be in clause b. It is difficult to know exactly what it intends to say.

Response: The sentence has been revised.

72. Question/Comment: In the following section, there is something wrong with this sentence. It seems that either there is no section (b) described, or another section is missing:

C. HIRING PREFERENCE

1. The section 3161 rehiring preference for eligible employees

To the extent practicable, and in accordance with applicable bargaining agreements, involuntarily separated Inl employees who (a) otherwise meet the eligibility requirements contained in this plan, and (b) will receive a hiring preference with respect to vacancies for positions for which they are qualified or, to the extent practicable in the circumstances, for which they may become qualified. eligible employees who are involuntarily separated as a result

Response: The sentence has been revised.

73. Question/Comment: Page 10, Section V C 1 - In this paragraph and in several subsequent paragraphs, the term "the normal completion of a contract" is used. If this plan remains an "open-ended" plan, then it may span the end of the current contract 44. So unless this plan is revised to have a specific end (as I recommended above), this should be amended to read "the normal completion of a contract other than the M&O contract for LLNL".

Response: This provision makes clear that employees who are involuntarily separated due to the normal end of a contract are not eligible for the 3161 rehire preference. If the M&O contract expires and employees are terminated as a direct result, then those employees are not eligible for 3161 rehire preference. Therefore, no change to plan is required.

74. Question/Comment: Concerning rehiring preference section on page 10: Employees who are rehired following involuntary separation should be allowed to re-enroll in the retirement plan that they were enrolled in before separation (TCP1 or TCP2).

Response: Employees reemployed within three years of an involuntary separation may resume active member status in his or her benefit plan as set forth in those plans. For further details, please consult LLNS Human Resource policies.

75. Question/Comment: V.C.1. [The Section 3161 Rehiring Preference for Eligible Separated Employees] This is crap. This should be available to all employees, term or indefinite, who meet requirements, also those after 1991.

Response: The Section 3161 hiring preference applies to employees who meet the Section 3161 "attachment" test established under longstanding DOE/NNSA policy regarding Section 3161 and described in the "Hiring Preference" section of the plan. The September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. NNSA expects LLNS to adhere to rehiring preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III).

76. Question/Comment: Part V. section "C": It seems unfair to eliminate Term employees from that program and also employees hired after Sept 27, 1991.

Response: The Section 3161 hiring preference applies to employees who meet the Section 3161 "attachment" test established under longstanding DOE/NNSA policy regarding Section 3161 and described in the "Hiring Preference" section of the plan. September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. This date was chosen to mark the end of the Cold War and to provide a benefit to employees

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who helped develop the nation's nuclear stockpile during that period. NNSA expects LLNS to adhere to rehire preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III).

77. Question/Comment: Section C Hiring Preference (and also Appendix B) - talks about employees hired on or before September 27, 1991. That seems like an awfully long time ago to be relevant today. Is this date something that should have been revised to match the current (2007) timeframe? Also, Appendix B indicates that only indefinite status employees would qualify for preferential hiring. Other organizations, such as the University of California, provide preferential hiring for former employees regardless of tenure or vestiture.

Response: The Section 3161 hiring preference applies to employees who meet the Section 3161 "attachment" test established under longstanding DOE/NNSA policy regarding Section 3161 and described in the "Hiring Preference" section of the plan. September 27, 1991 date pertains ONLY to the Section 3161 rehire preference applicable to all NNSA Contractors. This date was chosen to mark the end of the Cold War and to provide a benefit to employees who helped develop the nation's nuclear stockpile during that period. NNSA expects LLNS to adhere to rehire preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III).

78. Question/Comment: It has been more than 16 years since the cold war ended (September 27, 1991), which is the basis date for the hiring preference in the 3161 plan. There are scores of individuals that may be affected by this Plan who possess valuable knowledge pertaining to the current missions of stock pile stewardship and homeland security. Many of them will not be granted hiring preference because they were hired after the cut off date of September 27, 1991. Has anyone looked into revising the cut off date for the hiring preference as a way to attract ISP employees back to work if funding is restored?

Response: Your comment is noted. Thank you for the suggestion.

79. Question/Comment: According to the draft, a regular employee (who would be eligible for rehire preference) must have been employed at a DOE defense nuclear facility on or before September 27, 1991. Why was that date stipulated? Does this mean that the several thousand career employees who have been hired since 9/27/1991 are not eligible for preferential rehire? If this is indeed the case, then I strongly suggest that the plan be revised to include this information in the executive summary. As written, this key point is buried in the document and you do Lab employees a disservice [by] not being more forthcoming with this information.

Response: The Section 3161 hiring preference applies to employees who meet the Section 3161 "attachment" test established under longstanding DOE/NNSA policy regarding Section 3161 and described in the "Hiring Preference" section of the plan. September 27, 1991 date pertains ONLY to the Section 3161 rehire preference applicable to all NNSA Contractors. This date was chosen to mark the end of the Cold War and to provide a benefit to employees who helped develop the nation's nuclear stockpile during that period. NNSA expects LLNS to adhere to rehire preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III).

80. Question/Comment: The plan as currently written discriminates against younger employees and also employees with less than sixteen years of service. In section V-C, Hiring Preferences, you specify the eligibility requirements for rehire preferences apply only to "Regular Employees". Your definition of "Regular Employee" says they must have been employed at a DOE defense nuclear facility on or before September 27, 1991. This definition precludes from the preferential rehire list, all employees who first hired into a DOE defense nuclear facility like Livermore in the past sixteen years. I think in fairness, that the definition of a "Regular Employee" needs to be changed to remove the condition that they be employed at a DOE defense nuclear facility before a certain date.

Response: The Section 3161 hiring preference applies to employees who meet the Section 3161 "attachment" test established under longstanding DOE/NNSA policy regarding Section 3161 and described in the "Hiring Preference" section of the plan. September 27, 1991 date pertains ONLY to the Section 3161 rehire preference applicable to all NNSA Contractors. This date was chosen to mark the end of the Cold War and to provide a benefit to employees who helped develop the nation's nuclear stockpile during that period. NNSA expects LLNS to adhere to rehire preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III).

81. Question/Comment: Section V.C - HIRING PREFERENCE:

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1) The date of September 27, 1991 seems arbitrary at best. Was it more relevant to the date of passage of Sec. 3161 in 1993 and needs to be updated, or was the intent to narrowly limit those having a possibility of rehire to employees having worked here 16+ years? The inclusion of this date seems especially puzzling if this document is supposed to be, as stated, an "open-ended Plan without termination date." Moving forward, then, the date becomes more and more restrictive.

2) With the exclusion of those who voluntarily separate [clause (2)] from those eligible for rehiring preference, don't you eliminate anyone who participates in an SSVSP? If an employee just ups and quits, I can understand that there wouldn't be a rehire preference given, but if he/she participates in a SSVSP, perhaps with the intention of helping LLNL through a period of budget difficulty, why should they be excluded? It would seem that that's exactly the type of thing that should be rewarded by the possibility of getting rehired if the budget situation improves. Otherwise, the exclusion seems to take away a major incentive of SSVSP participation. Perhaps the language could be modified to include those who voluntarily separate through an SSVSP, but still excluding those who otherwise separate

Response: The Section 3161 hiring preference applies to employees who meet the Section 3161 "attachment" test established under longstanding DOE/NNSA policy regarding Section 3161 and described in the "Hiring Preference" section of the plan. September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. This date was chosen to mark the end of the Cold War and to provide a benefit to employees hired on or before that date who helped develop the nation's nuclear stockpile during that period. The rehire preference is only available to employees selected in any involuntary separation program. NNSA expects LLNS to adhere to rehiring preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III).

82. Question/Comment: On page 10 first bullet under regular employees and repeated on page 14 in the first bullet after "in order to be eligible" the requirement is that you must have been "employed at a DOE Defense Nuclear Facility on or before September 27, 1991". Under the potential restructuring, there could be significant numbers of personnel that were not employed at a facility in 1991. As for myself, I was still in college. With this requirement, if I were to be involuntarily separated, I would not be eligible under the 3161 preferential hiring at another DOE Site. My comment is to change the date on this requirement to make it consistent with the date stipulation in the 1993 act as compared to the 1991 date ... i.e., a 2-year requirement or change the bullets to state: "employed at a DOE Defense Nuclear Facility on or before September 27, 2005"

Response: The Section 3161 hiring preference applies to employees who meet the Section 3161 "attachment" test established under longstanding DOE/NNSA policy regarding Section 3161 and described in the "Hiring Preference" section of the plan. September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. This date was chosen to mark the end of the Cold War and to provide a benefit to employees who helped develop the nation's nuclear stockpile during that period. NNSA expects LLNS to adhere to rehiring preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III).

83. Question/Comment: On pages 10 and 14, there are three requirements that employees must meet to be classified as qualified eligible employees under Section 3161 regular employees. If all three of these requirements have to be met, how would a vested FTE employee with 5 years or more service be eligible since the first requirement states "employees must have been employed at a DOE defense nuclear facility on or before September 27, 1991"? Are all three requirements mandatory?

Response: A vested FTE with 5 or more years of service but who did not start employment at a DOE nuclear defense facility until after September 27, 1991 is ineligible for the 3161 rehire preference.

84. Question/Comment: Under section C Hiring Preference, it states that for employees to be considered for rehire - regular employees must have been: Employed at a DOE defense nuclear facility on or before September 27, 1991. Does this mean that all employees hired after 1991 are not eligible? Please clarify this.

Response: The Section 3161 hiring preference applies to employees who meet the Section 3161 "attachment" test established under longstanding DOE/NNSA policy regarding Section 3161 and described in the "Hiring Preference" section of the plan. September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. This date was chosen to mark the end of the Cold War and to provide a benefit to employees who helped develop the nation's nuclear stockpile during that period. NNSA expects LLNS to adhere to rehiring preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III).

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85. Question/Comment: Per Section C.1., to qualify for Hiring Preference a "regular employee" must have been employed at a defense nuclear facility "on or before September 27, 1991," as well as meet the other criteria as stated. How was this date chosen? There is no logic that says people hired prior to this time have more desired skill levels than other senior level employees hired after this date. Many of us are high level leaders and if involuntarily separated, would have no recourse under this plan. I suggest that you modify the statement to for employment at a defense nuclear facility "for at least 10 years prior to the date of any proposed involuntary separation."

Response: The Section 3161 hiring preference applies to employees who meet the Section 3161 "attachment" test established under longstanding DOE/NNSA policy regarding Section 3161 and described in the "Hiring Preference" section of the plan. September 27, 1991 date pertains ONLY to the Section 3161 rehire preference applicable to all NNSA Contractors. This date was chosen to mark the end of the Cold War and to provide a benefit to employees who helped develop the nation's nuclear stockpile during that period. NNSA expects LLNS to adhere to rehire preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III).

86. Question/Comment: In reviewing the 3161, employees must have worked at a DOE facility on or before 9/27/91. This date appears to be arbitrary. I suggest making this date effective 16 years from the date of the final document.

Response: The Section 3161 hiring preference applies to employees who meet the Section 3161 "attachment" test established under longstanding DOE/NNSA policy regarding Section 3161 and described in the "Hiring Preference" section of the plan. September 27, 1991 date pertains ONLY to the Section 3161 rehire preference applicable to all NNSA Contractors. This date was chosen to mark the end of the Cold War and to provide a benefit to employees who helped develop the nation's nuclear stockpile during that period. NNSA expects LLNS to adhere to rehire preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III).

87. Question/Comment: After reviewing the draft material regarding the Workforce Restructuring Plan, I come to conclude the plan is fair in many ways except for one area. Maybe I have misunderstood some of the information regarding the rehire policy being drafted here but my concern is that the draft pertains to those directly hired on or prior to September 27, 1991. The policy completely excludes those of us who were hired after that time. Even though I may have more skills and/or may be more qualified than someone else who was hired on or prior to September 27, 1991, I would not have the same opportunity to be rehired due to the clause in the draft if approved. In fact the way the policy reads, I wouldn't even be considered for any position due to the clause for rehire if approved as stated in the draft. I intend on working for the lab for a very long time and if a forced reduction should occur, I would hope that my chances of being rehired would be the same as anyone else's. As stated previously, maybe I misread the information provided but if not; I know I and many others have the same concerns for obtaining this same opportunity. Also, how does this affect all of us hired prior to 10/1/2007, terminated by University of California and rehired by Department of Energy (Lawrence Livermore National Laboratory)? Please explain. If I misunderstood, please advise me. I would like to think that all the time and effort I'm putting in the company isn't for nothing and that my company would at the least provide me the same opportunity for rehire as those employed prior to Sept. 27, 1991.

Response: The Section 3161 hiring preference applies to employees who meet the Section 3161 "attachment" test established under longstanding DOE/NNSA policy regarding Section 3161 and described in the "Hiring Preference" section of the plan. For Section 3161 rehire preference, employees must have worked at a DOE defense nuclear facility on or before September 27, 1991, regardless of who the M&O contractor was; therefore, years of service at LANL or LLNL will count for that preference. September 27, 1991 date pertains ONLY to the Section 3161 rehire preference applicable to all NNSA Contractors. This date was chosen to mark the end of the Cold War and to provide a benefit to employees who helped develop the nation's nuclear stockpile during that period. NNSA expects LLNS to adhere to rehire preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III). Please consult your LLNS Human Resources Department for specific rehire preference questions under the LLNS personnel policies.

88. Question/Comment: In the section - "C. Hiring Preference 1. The Section 3161 Rehire Preference for Eligible Separated Employees" (actual page 13 of the PDF, labeled page "10" at the bottom of the copy), I have several questions with regard to the definition of "Regular employees." In that section, one of the bulleted definitions states: "Employed at a DOE defense nuclear facility on or before September 27, 1991;" Does that 1991

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date truly apply to the current 3161 plan? Is it really necessary that an employee have been at a DOE defense nuclear facility on that date, 16 years ago, to be classified as a "qualified, eligible employee"? That makes no sense to me. If that is true, then a person who was hired on October 1, 1991 as a full-time indefinite employee and has worked here full-time ever since would not be considered a "Regular employee." Can you please clarify?

- 1) Is September 27, 1991 truly the date a person must have been employed at a DOE defense nuclear facility?
- 2) If it is, is it required that a person have been continuously employed at a DOE defense nuclear facility ever since that date?
- 3) In my case, I was employed at LLNL as a full-time indefinite employee from December 1980 through September 1996, then left LLNL and returned four years and nine months later and have been employed as a full-time indefinite employee at LLNL since June 2001. Do I meet the requirements for being a "Regular employee"? It does not state that a regular employee must have been employed without any break in service from September 27, 1991 until the potential involuntary layoff.
- 4) The definition for an intermittent employee does not fit my case as I have not been employed "in situations that results in repeated periods of employment and unemployment." So, again, I ask - do I fit the "Regular employee" definition? I have a total of 22 years with LLNL - 15 3/4 years from 1980 through 1996 and 6 1/4 years from 2001 through the present.
- 5) What about LLNL employees who were hired after September 27, 1991, for example, on October 1, 1991, who have been at LLNL full-time and are indefinite employees. Would they not be considered "Regular employees" although they have been at LLNL for 16 years straight?
- 6) The "Employed at a DOE defense nuclear facility on or before September 27, 1991;" requirement is also listed in Appendix B for preference in hiring procedures. My same questions as above apply - would I be eligible for preference in hiring? Would an employee who has been at LLNL full-time since October 1, 1991, be eligible for preference in hiring?

I feel that these definitions need to be verified and clarified and hopefully changed.

Response: The date September 27, 1991, is an absolute date but an employee need not necessarily have been employed continuously at a DOE defense nuclear facility since that date. As stated in the Section 3161 plan, the 3161 rehire preference covers "intermittent employees" who, among other requirements set forth in the plan, have worked at a DOE defense nuclear facility a total time, including time worked prior to September 27, 1991, equivalent to having worked 40 hours per week from September 27, 1991 through the date of notification or separation, or have actually worked the industry standard of full-time from September 27, 1991 through the date of notification. September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. NNSA expects LLNS to adhere to rehiring preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III).

89. Question/Comment: Concerning section on page 10: Rehiring preference should be given to all employees who are involuntarily released, not just those who were hired before 9/27/1991 (16 years of service!). There will be many valuable dedicated workers whose rehiring will be adversely affected by this policy.

Response: September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. NNSA expects LLNS to adhere to rehiring preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM) (Section K.III).

90. Question/Comment: Page 10 "Hiring Preference". The bullets at the bottom of the page imply that this is only available to regular employees employed on or before 27 Sep 1991. Maybe an "or" is needed at the end of the 1st bullet. Also, since the plan as written provides no incentive for voluntary (same severance and medical), why would employees voluntarily separate when they know they are also forfeiting hiring preference?

Response: No additional incentive will be authorized for any voluntary separations. The September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. NNSA expects LLNS

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to adhere to rehiring preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM) (Section K.III).

91. Question/Comment: In regards to the proposed restructuring plan at LLNS and understanding the definition of a full time or indefinite career employee: Is the statement true that if you were hired after September 27th 1991 that you will not be eligible for the following benefits: internal transfers, retraining assistance or rehiring preference ? The reason as in my situation I was hired as a full time indefinite career position just over 5 years ago and if I understand the proposed plan only those employees who have 16 or more years of experience would be considered as full time indefinite career status. If this is correct then my indefinite career status would not qualify me or other employees hired after Sept.27th 1991 for any of the benefits stated above in the [pro]posed restructuring plan.

Response: The September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. NNSA expects LLNS to adhere to rehiring preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM) (Section K.III).. See LLNS Personnel Policy Section K.III.2 for information on Retraining assistance (Section K.III.2.5) and internal transfers (Section K.III.2.6.1).

92. Question/Comment: As a once vested (with the UC of course) employee of LLNL, I am concerned that the NNSA plans to provide no severance, retraining, preference in hiring, etc. to any employees that were hired after Sept. 27, 1991. Those employees that were able to retire have already done so when the contract was competed, so most remaining employees do not meet the Sept. 27, 1991 (16 year) timeline. Is this correct and is it the NNSA's intent to provide no services to the rest of the employees?

Response: The September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. NNSA expects LLNS to adhere to rehiring preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM) (Section K.III). The contractor will make severance payments to employees involuntarily separated in accordance with PPPM Section L.II.10. Employees should consult with their Human Resources representative for information on other separation benefits.

93. Question/Comment: Reading section V, subsection C, sub-subsection 2 on page 9 it appears to me that a "regular" employee must have been a full time employee since Sep 27, 1991 (18 years of service). Intermittent employees seem to have the same restriction. I have been a full time employee since 1998 (Indefinite Career since 2002). It appears neither "regular" or "intermittent" apply to me (and I suspect to a large number of employees like myself who have not been here for 18 or more years). Do you agree? Is there another classification?

Response: If you have not been employed at a DOE nuclear facility since September 27, 1991, or if an intermittent employee, a total equivalent time, you are not eligible for the Section 3161 rehire preference. The September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. LLNS will adhere to rehiring preference policy as stated in the Personnel Policies and Procedures Manual (PPPM) (Section K.III).

94. Question/Comment: I'm confused about the definition of a "Regular Employee" with regards to rehiring. A regular employee (on pg. 10) is defined as being one who must have been "Employed at a DOE defense nuclear facility on or before September 27, 1991", was employed at LLNL at the time of restructuring, and was involuntarily separated. 1991??? That's over 16 years ago! Is that a typo?

Response: The September 27, 1991 date pertains ONLY to the Section 3161 rehiring preference applicable to all NNSA Contractors. This date was chosen to mark the end of the Cold War and to provide a benefit to employees who helped develop the nation's nuclear stockpile during that period. NNSA expects LLNS to adhere to rehiring preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III).

95. Question/Comment: Section C.1 (page 10) starts off by citing two eligibility requirements for the Rehiring Preference; an 'a)' and a 'b).' However, the 'b)' part of this statement seems empty and begins, instead, with '...will receive a hiring preference...' Will employees who take a voluntary SS-VSP be given any rehiring preference? Can the desire for rehiring be made part of their SS-VSP agreement? I am totally baffled by the definition of 'Regular employee' on page 10. As it reads, I am not a 'Regular employee' although I have been employed, full time, and in the same job at LLNL since 1995. This section seems to say that in order to be considered a 'regular employee,' I had to have been hired prior to 09/27/1991. Is this really true?

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Response: The September 27, 1991 date pertains ONLY to the Section 3161 rehire preference applicable to all NNSA Contractors. NNSA expects LLNS to adhere to rehire preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III). The Section 3161 rehire preference cannot be offered to employees who elect to participate in the SS-VSP.

96. Question/Comment: Hire preference --this section does not make sense at all. Does it mean that you won't be eligible for rehire preference unless you worked at LLNL before Sep 27th 1991?

Response: The September 27, 1991 date pertains ONLY to the Section 3161 rehire preference applicable to all NNSA Contractors. This date was chosen to mark the end of the Cold War and to provide a benefit to employees who helped develop the nation's nuclear stockpile during that period. NNSA expects LLNS to adhere to rehire preference policy as stated in its approved Personnel Policies and Procedures Manual (PPPM)(Section K.III). Section 3161 is a regulatory requirement and is specific in its applicability. The 3161 rehire preference cannot be offered to employees who elect to participate in the SS-VSP.

OUTPLACEMENT SERVICES

97. Question/Comment: Page 12 Section V D - It is inappropriate to state the fact that the "contractor has committed to...." in this DOE, NNSA, and LSO plan. Rather, this should read "The LLNL contractor shall....."

Response: Although this is a DOE/NNSA Workforce Restructuring Plan, it is the Contractor who will, if necessary, provide such services. Therefore, no change to plan is required.

98. Question/Comment: Please consider offering placement services at other DOE facilities using a formal process. I recall this was done when the Super Collider was shut-down as LLNL and other sites interviewed Collider staff using a DOE created process. This should not be a significant budget concern.

Response: Thank you for your suggestion. We're pleased you remember the success of placement services used when the Super Collider was shut-down and will encourage LLNS to use past lessons learned to address current and future placement service needs dependent on individual site priorities. If circumstances require an actual restructuring, employees will be notified of actual, relevant procedures by their employer.

MISCELLANEOUS

99. Question/Comment: On the whole, this draft plan is remarkably devoid of firm statements. Since it establishes the policy of the DOE/NNSA in any and all restructuring events, there must be some requirements that set that policy. I will note some of those in subsequent statements. Absent these firm statements, this plan represents a "feel good" document which can be used or not used at the will of any entity involved.

On page 4, Section III A - This plan should not be "open-ended". Per statements in Section II A, the development of this plan is triggered by a determination that a restructuring is required. This is a discrete and specific event, and the plan must apply only to that event. The requirement for "open-endedness" of this plan contributes to its dilution, and unreasonably restricts public input in the future. It must instead set the specific policy of the DOE/NNSA for the current restructuring event, and should have an expiration date of 1 year from determination of the need to restructure.

Page 4, Section II A - In this section, the policy of the DOE, NNSA, and LSO is stated quite clearly (a good thing), and then is immediately revoked within the very same sentence. This purports to result from the unknown "circumstances of the restructuring action and availability of funds." This is precisely why this plan cannot be made "open ended"; "circumstances of future restructuring actions cannot be known. However, the circumstances of the current restructuring action MUST be known, otherwise no credible plan could be developed. So this section must be modified to clearly state the policy of the DOE, NNSA, and LSO for THIS restructuring action, without embedded back-door means of changing the policy as desired by any entity involved. The policy must be stated using the word "shall", such as "It is the DOE, NNSA, and LSO policy that DWMB benefits and outplacement assistance benefits shall be offered to all eligible displaced workers."

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Response: This Workforce Restructuring Plan establishes that a restructuring of the LLNL workforce MAY take place in the future, and sets forth, among other things, what general procedures will guide that restructuring and what benefits may be available to employees affected by the restructuring. If circumstances require an actual restructuring, employees will be notified of actual, relevant procedures and how the restructuring will affect their tenure with LLNL by their employer. Displaced Worker Medical Benefits and other benefits under this plan are subject to the availability of funds and other circumstances. Thus, no change to plan is required.

100. Question/Comment: To remain in keeping with the intent of Section 3161, any workforce restructuring at LLNL must be guided by the following basic principles:

- No layoff **should result from overhead costs directly associated with the transition to management** by LLNS, LLC. At Los Alamos, the additional costs related to the 2006 transition were estimated at \$200 million in the first year, including nearly \$80 million in management fees to LANS. The LANS management committed to finding means other than workforce reductions to absorb the costs related to the transition to private-sector management. LLNS management should be likewise required, with help from DOE/NNSA, to make the same commitment. Business decisions by LLNS, for example to hire additional senior managers and staff to implement changes, should not result in loss of jobs by legacy employees.
- There should be **no sub-contracting of work currently performed by LLNS employees.**
- LLNS management should be required to partner with SPSE-UPTE and other unions as representatives of LLNL employees to find alternative cost saving strategies to meet budget goals while avoiding layoffs. The people who do the work know best how to reduce costs.
- If involuntary separations prove necessary after all other cost saving strategies are implemented, then **involuntary separations should be done only in order of inverse** seniority within any identified group of employees not having the skill set needed to accomplish the Laboratory's continuing missions, consistent with LLNL policy when it was managed by UC.
- All employees **who are involuntarily separated should receive ample notice, severance benefits, rehire and transfer rights, as well as job training and placement assistance.**

SPSE-UPTE believes that the DRAFT plan for LLNL **falls short of meeting these basic principles. However, it could be improved considerably by making the following specific changes:**

- Section II.C. 1. After the sentence ending with the words "has responsibilities to those employees" add the following sentence. "These responsibilities include partnering with employee representatives chosen by employees and their labor organizations to jointly find alternative cost-saving strategies to meet budget goals while avoiding involuntary separations."
- Rationale: DOE/NNSA has correctly recognized that the Contractor is a stakeholder in this Workforce Restructuring process even though not specifically identified as such by Section 3161. Likewise, the Contractor's employees are stakeholders. They have much to contribute to meeting the intent of Section 3161 to mitigate the detrimental impact of layoffs on the surrounding communities. This recognition should be spelled out specifically in the Restructuring Plan.
- Section III.C.3. In the bolded sentence at the end of this paragraph: change "strongly discourages" to "prohibits".
Rationale: SPSE-UPTE supports DOE/NNSA's intention to prevent LLNS from hiring to "backfill" positions previously held by individuals separated under this Workforce Restructuring Program. Our experience, however, is that our employer will do only what they are required to do, and will ignore what is merely encouraged or discouraged, however strongly.
- Section IV, Opening paragraph: add an additional phrase at the end of the sentence at the end of the paragraph, so the sentence reads as follows. "Contractor will ensure --- and comply with any obligations

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under the NLRA as it relates to bargaining in the situation, as well as with any procedures set out in their collective bargaining agreements, *including maintaining `status quo 'for any certified collective bargaining units that do not yet have collective bargaining agreements.*" (Added phrase in italics.)

Rationale: SPSE-UPTE has a new collective bargaining unit certified by the California Public Employees Relations Board prior to the transition. Under the well-established successor doctrine, LLNS has an obligation to bargain a new contract with us; until a collective bargaining agreement is concluded, no changes in the terms and conditions of employment can be imposed on employees in this unit. Thus, for this unit, layoffs can only be done in inverse order of seniority, as specified in LLNL personnel policies at the time of unit certification.

- Section W.A. It should be made clear that the notification and approval requirements as spelled out in this section apply to all categories of employees, including flexible-term and indeterminate employees, as well as career-indefinite employees.

Rationale: Flexible-term employees (employees who work for a fixed term) currently comprise about 15% of the total workforce at LLNL. They are used --inappropriately in our view --- as a means for Laboratory management to manage budget fluctuations, by routinely dismissing them prior to the end of their terms. Dismissal of flexible-term employees is not considered a layoff by LLNS, which we believe violates the intent of Section 3161. This loophole should be closed. Likewise, flexible-term employees should be eligible for separation packages and preferential rehire.

- Section W.C. The criteria for involuntary separation **are vague and** invite abuse. In particular, the term "documented individual performance" in the third **sentence** of the first paragraph **is meaningless**, and should be deleted.

Rationale: As discussed above, the only factors that should be considered for involuntary separations are whether or not the employee has the necessary skill set, and seniority. Performance **measures** at LLNL vary widely from **organization** to organization and tend to be arbitrary. Including them in the factors that may be considered in layoffs is simply an invitation **to management abuse**.

- Section V.C. The guidance for preferential rehire, **originating as it does** in 1990s requirements, is clearly dated and is not valid as a yardstick for seniority. A better criterion would state a timeframe of, say, 3 years of employment prior to the implementation of restructuring. As written, the draft **section states** that only career-indefinite employees who worked for a DOE Contractor on or before the declared end of the Cold War on September 27, 1991 (more than 16 years ago) would be eligible for preferred re-hire! LLNL, like the rest of the DOE complex, is a different Lab with different **missions** than during the Cold War, so clearly the definition of seniority **as it applies to rehire** preferences needs to be updated. SPSE-UPTE believes that all involuntarily **separated** employees with seniority, be they flexible-term, indeterminate, **or career-indefinite**, should be eligible for preferential re-hire, irrespective of their specific hire **date**. We also find it objectionable that employees who lose a job to outsourcing are not considered to be involuntarily separated. We urge that this whole section be re-drafted to reflect an updated measure of seniority and to encompass the various categories of employee.

Response: This Workforce Restructuring Plan establishes that a restructuring of the LLNL workforce MAY take place in the future, and sets forth, among other things, what *general* procedures will guide that restructuring and what benefits may be available to employees affected by the restructuring. If circumstances require an actual restructuring, employees will be notified of actual, relevant procedures by their employer. The contractor will offer severance under a voluntary or involuntary separation program in accordance with LLNS Personnel Policies. When a voluntary or involuntary separation program is planned, the contractor will be expected to fully satisfy its obligations toward any labor organization representing its employees, and comply with any obligations under applicable laws. With regard to the September 27, 1991 date, this date is specified in Section 3161 of the Defense Authorization Act and specifically relates to Section 3161 rehiring preference. It pertains to preference for rehire with other DOE/NNSA Contractors.

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101. Question/Comment: In reviewing the LLNL Restructure Plan, on page 4. It states that the Restructuring Plan may need to be revised and updated **periodically**. It further states under *Section III A. Plan Applicability*, that this is an open-ended Plan without a termination date, and the implementation of the criteria and benefits in this plan are dependent on the funding available to the institution. Is there a federal requirement that, at a minimum, this plan may/should require an "**update**" annually if funding is driving it? If this is true, is there any reason why the word "**periodically**" can't be better defined. If funding has been approved for the institution annually, and the money allocated appropriately, what would warrant any change to the plan during the year?

Response: This General Workforce Restructuring Plan provides a template for workforce restructuring actions conducted by contractors at particular DOE or NNSA sites. Consistent with Section 3161, the General Workforce Restructuring Plan devised for specific DOE/NNSA sites will be updated annually and will be amended if the benefits set forth in the site's previous Plan are no longer available, or, if circumstances require a change to a particular General Plan provision.

102. Question/Comment: I started reviewing the reference document and was slightly puzzled at the name of the affected cite *Lawrence Livermore National Laboratory*. I'm curious why the new name, *Lawrence Livermore National Security* is not referenced, or is it buried somewhere in the text? It leads me to believe this document was actually authored under the purview of LLNL. Because LLNL was solely under the UC, I'm just curious why the plan does not cite LLNS.

Response: The 3161 Workforce Restructuring Plan is prepared by NNSA and establishes that a restructuring of the Lawrence Livermore National Laboratory (LLNL) workforce MAY take place in the future, and sets forth, among other things, what *general* procedures the NNSA will expect the contractor, Lawrence Livermore National Security, LLC (LLNS) to take when undertaking a restructuring and what benefits may be available to employees affected by the it.

103. Question/Comment: I cannot help but respond to the idea of Workforce Restructuring of the newly formulated Lawrence Livermore National Laboratory. We just spent the last year (perhaps longer for some) working through the throes of a change in management from the University of California to a private corporation that may or may not provide the same stability that we had under the University of California. Under this new management people have shuffled about-most not of their own choosing because someone thought the "old" organization didn't "fit the new model." All employees were thrown into the upsetting process or now trying to determine what to do with their numerous years of service at LLNL, leave it within a stable UC system or transfer to the new entity with no proven track record as far as what will happen to any funds invested on your behalf, etc., etc. October 1 ushered in the new contract manager and everyone was finally "reconciled" to that change, and oh by the way, we have a new leader in NNSA who now comes out and commands that all DOE facilities will perform a workforce restructuring exercise based on the fact that we will be operating under a "continuing resolution" because Congress can't get their act together and stop arguing partisan politics and get the budget either approved or cut to point where nothing will be done to ensure the safety and security of this nation through the efforts of all employees who work at DOE funded institutions, two of which were specifically born to develop technology to combat and/or deter threats to our nations safety-namely Los Alamos National Laboratory and Lawrence Livermore National Laboratory. We've operated under a continuing resolution more years than not because of Congressional irresponsibility, and every year we've said "okay, tighten the budgets so we can get through this and still follow through with our mission." So after we've been through all this other upheaval now everyone is worried if they will even have a job with the new company, are we going to be asked to "voluntarily" separate? Then are we having a layoff? And how will that affect the local community? The housing market in this area is already spiraling downward, people can't make mortgage payments, can't sell the houses to salvage something of their investment. If they now lose their jobs, this will have a tremendous impact on a community that has grown up around this facility. I guess I just really don't see what good can come from this activity-it's already got everyone nervous and tense, and quite frankly I think the people at this laboratory don't deserve to be put through a second life changing experience in less than one year. You may write this response off a purely emotional and that's just fine. But as an individual who hopes to be able to stop working in a year and a half- stopping now whether by a voluntary separation or layoff constitutes a tremendous personal upheaval and raises stress levels considerably.

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Response: As the Plan states, the contractor will design any restructuring with an objective of minimizing the number of involuntary separations, as well as the detrimental impact on employees involuntarily separated and on the surrounding communities. No change to plan required.

104. Question/Comment: A few years back SLAC was presented with a rather draconian budget. Rather than lay people off, SLAC management decided to shut the lab down for roughly the month of December (as I recall). On the down side employees were not compensated for that month, but on the up side managed to retain their jobs. The process struck me as very egalitarian and avoided nasty rancor on all sides. LLNS management should consider such an option as an alternative to layoffs.

Response: If a restructuring is necessary, the contractor should consider various cost saving options to mitigate the need for involuntary layoffs.

105. Question/Comment: I've read the LLNL Draft Restructuring Plan. There is one glaring problem with evaluating this plan. That is, there are numerous places where the plan cites rules, policies, documents that most employees do not know. It is difficult to comment on any document when one does NOT know or often doesn't even know where to find, the referenced policies. Could you revise this plan to include all of the referenced documents, policies, etc. with both a reference number in the body of the plan and the whole of the referenced rule/policy/document in an appendix? I know that some of these policies and rules will change over the next several years. This is NOT a reason to exclude these from the plan, only a requirement to replace the outdated documents when they are superseded.

Response: Thank you for your suggestion. No change to the plan required.

106. Question/Comment: Please go to this URL and view it daily. Sometimes depending on who did what today you'll find out what people really think about the transition. I think you'll find more open comments here than you'll ever get via e-mail. The old but not to old URL <http://lnl-the-rest-of-the-story.blogspot.com/> which moved on to the latest URL <http://lnlthefinalstory.blogspot.com/> Hope this helps you guys.

Response: Thank you for your suggestion.

107. Question/Comment: The broad and over-arching disclaimer at the beginning of this plan nullifies and makes moot all of the provisions that follow. It is impossible for the reader, and hence the affected worker, to understand what is being proposed because each and every term is subject to change. Either the Plan **intends** to meet the objectives of Section 3161, and is rewritten in accordance with that Section, or it is worthless. The page 2 statement that ... the Plan **seeks to meet** the objectives of Section 3161 consistent with budget restraints is tantamount to stating that the Plan is terminally flawed at inception. Please inform us honestly and in good faith. This document does neither.

Response: Thank you for your comment.

108. Question/Comment: Your email as listed on this non-LLNL page, <http://www.doeal.gov/WRLNL/Default.aspx> is incorrect as well as the 'mailto:' command would get if they actually clicked on your email address as a link. I don't think that is something that LLNL [would] correct.

Response: Thank you for your comment.

109. Question/Comment: As I understand, this restructuring is needed for lack of funding due to congressional budget restraints. Mr. Miller said that this is not happening because of the new LLNS.LLC contract, although the poor, dumb tax payer is paying how much more to have LLNL run? All that extra money paid to the new contractor must have some impact on the budget? He also was kind enough to inform us that there will be no raises as yet, if ever. That's coming from someone and probably the "YES MEN" who increased their salaries by how much coming on with the new contractor? Oh, by the way, for myself, wife, and four children (one is special needs), my health care with Blue Cross will be increasing almost \$100 per month, something the new company can't absorb

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with all the high paid exec's and all. I am just a dumb, easily replaced or let go Machinist so it's no big deal, as I wrote to others before, what I do is not so important as what the high paid thinkers do. With all the thinking nothing happens with it unless it can be made, so you'll just have to outsource what we do here to China or India. Good luck to our children and grandchildren!

Response: Thank you for your comment.

110. Question/Comment: This whole workforce restructuring/contract transition business we're enduring is the culmination of years of mismanagement--at LANL, not LLNL. When our benefits proposal was rolled out in June, it was significantly less attractive than LANL got in their contract. And now that we're locked into whichever TCP we chose, we have to come to terms with how that choice will play out during a probable RIF. We've got until Monday November 5th to submit comments to DOE/NNSA, and this is my comment: I just don't understand why our lab keeps getting punished for doing things right.

We're the "good" lab, not the one down south that keeps doing stupid stuff. Unlike many other lab employees, I work in a tightly restricted area. I go through four levels of security just to get to my desk, and another couple to get my computers going. My head swims with passwords. I wear ten pounds of hardware around my neck that's supposed to prove I'm a Trustworthy Laboratory Employee. I know the ropes when it comes to protecting our nation's secrets. But like other lab employees, especially in my directorate, I'm acutely aware of the abysmal security gaffes happening at The Other Lab. I've also experienced the endless guilt-by-association fallout that adversely affects our work flow and the operation of our lab as a whole.

Livermore employees like me live in constant dread of what idiotic breach Los Alamos is going to do next, and what new restrictions we're going to have to comply with as a result. Even Mike Anastasio, who was our boss for a while and is a really decent guy, can't seem to keep a lid on some of the brain-dead nincompoops in the can of worms he inherited. But instead of concentrating its efforts on the facility with the problems, DOE/NNSA decided to put our contract up for bid, too. When we saw what our benefits with the new company were going to be, pretty much everyone was stunned to silence. Now we're facing a major workforce upheaval to boot, and many are afraid for their jobs. It's like another slap in the face. We're the good guys, remember?

Don't get me wrong. Los Alamos holds a special place in my heart. It's where my parents met during WWII. My dad was a US Army Major there under Gen. Groves, and my mom worked in Oak Ridge for the Director of Military Intelligence until she transferred to Los Alamos with the Manhattan Project. Right up until last year when she got sick, my mom would read the paper, shake her head, and say, "Shame on them." It was very sad to see her so disappointed in what that place has become.

LLNL and its employees shouldn't have to continually pay for LANL's carelessness and negligence when we're not the ones messing up all the time. They don't find classified hard drives stashed behind OUR copiers. Nobody discovers classified thumb drives in OUR boyfriend's drug stash (yikes). We don't get OUR government laptop stolen because we're dumb enough to take it on a European vacation when it's loaded with export-controlled information. Yet we pay every day for the mistakes LANL has made--and continues to make. It's been the most disturbing case of If It Ain't Broke imaginable.

People's incentive around here is down the tubes. The friendly competitiveness towards LANL has turned to bitter resentment. I even heard one person recently say we might as well start screwing up too, because it won't make any difference. This is a very upsetting trend in mentality that I hate to see happening at my lab. We work extremely hard to be vigilant about safety and security, and I think we should get kudos for our outstanding efforts instead of getting dinged all the time. It's no wonder people are PO'd.

While this is probably too little WAY too late, it would be awesome if you'd at least offer a couple of attractive VSIP packages so employees on the cusp can leave and not be forced out. We deserve it. Also, please quit blaming us for all LANL's mistakes and give us some credit for doing things right.

Response: Thank you for your comment.

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111. Question/Comment: I wanted to suggest making the AWS Schedule open again. Making enrollment active again should all help with the budget? I know I will be enrolling as soon as it comes available again. I know I am only 1 person, but maybe opening this up again for the NON EXEMPT employees you might see a lot more people enrolling. Just a suggestion.

Response: If a restructuring is necessary, the contractor should consider various cost saving options to mitigate the need for involuntary layoffs.

112. Question/Comment: I merely wish to say that in all my years here at the Lab, I have never seen the morale so low, bordering depressing, mine included. I am not alone in this observation. Here in the trenches, it is more serious and disheartening than most on the higher levels will take the time to find out. Going into the holidays and losing one's job is a recipe for depression. Losing the sense of security in our jobs has/is/will force people to go elsewhere, weakening the overall mission of this Laboratory. I feel we have only begun to see the negatives.

Also, a rumor is circulating here that the Los Alamos employees have received their raises. We have been told we must wait, and even then, there are no guarantees. Los Alamos is the reason we are in this situation now. What fairness is there here? The roof of this house will not hold up if the foundation is weakened.....

Response: Thank you for your comment.

113. Question/Comment: It would be a great idea to have some form of an all hands meeting discussing the implications of the draft before the employee comment period closed.

Response: Thank you for your suggestion.

114. Question/Comment: The sooner this is resolved and put forward to the employee's, the sooner we within LLNS can move forward without the Stress and Frustration of the UNKNOWN.

Response: Thank you for your comment.

115. Question/Comment: What really needs to be addressed is the overpopulated, so called, workforce. There are 10 people to do the job of three (across the board, Admin., Technical, Engineering, Managers, Supervisors and Contractors). Too many social programs and not enough R&D work going on. This place has gotten to have more of a social club atmosphere and away from basic science!

Response: Any restructuring will consider mission needs and requirements.

116. Question/Comment: The draft Workforce Restructuring Plan available online is not electronically-searchable. The PDF file contains unsearchable images of the document, rather than an electronically searchable txt. Though DOE policy may not require electronically searchable versions of documents to be put online, such action impairs our ability to review and identify potential areas of concern or agreement. I believe that a good-faith effort to solicit comments from stakeholders must include electronically searchable documents. Please replace the existing PDF with an electronically searchable edition.

Response: Thank you for your suggestion.

117. Question/Comment: The draft workforce restructuring document which I downloaded did not allow me to copy sections of text, which would have facilitated [my] comment. Most PDF files do allow the reader to copy (and paste) sections of text. Perhaps you could post a version of the plan which allows us to copy out sections which we wish to comment on? Also, the mail utility at <http://www.doeal.gov/WRLNLN/Default.aspx> attempts to connect to stmp.netscape.net... but is unable to do so, with the result that I had to copy and past the above message into my own e-mail utility. Perhaps you could fix this so as to ease the burden of commenting on the workforce restructuring plan?

Response: Thank you for your suggestion.

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118. Question/Comment: The many highly compensated managers need to be bringing in new funding or increasing existing funding, not 'managing' LDRD, developing strategic plans, overseeing ES&H, 'coordinating' programs, or being liaison to post-doc programs. Unfortunately, they can't be placed back in programs because they are too expensive for most programs to handle. The overhead costs are simply too high as a result of these salaries burdening indirect funds. Term employees who are accomplishing program goals and bringing in program funds should not be considered for layoffs - that tact would seriously jeopardize a generation of scientists and the future viability of lab programs.

Response: Thank you for your comment.

119. Question/Comment: The contractor ends up with more DOE funds by carrying out an employee reduction. Please cut the contractors fee in relation to the RIF percentage. (This will make the contractor 'share the pain').

Response: If a restructuring is necessary, the contractor should consider various cost savings options to mitigate the need for involuntary layoffs.

120. Question/Comment: The web site had your e-mail wrong. They forgot the (period between the names). Is this the right address for LLNL people to give comment to the 3161 RIF document? On the LLNL site they have your address as homer.williamson@aok.doe.gov

Response: Thank you for your comment.

121. Question/Comment: Severance pay should be on a par with comparable industry severance pay, and should be stated explicitly in the Plan. Hewlett-Packard has recently offered 14 months pay for long term employees that have been "outsourced."

Response: Employees selected for any SSVSP or ISP will receive severance in accordance with LLNS severance pay policy, which can be found in the Personnel Policies and Procedures Manual Section L, II.10.2.

122. Question/Comment: Severance pay should be the same between LLNL and LANL. The LLNS and LANS contracts do not seem to be available to most employees, but it has been reported that LANS offers 73% better maximum severance pay than LLNS.

Response: Employees selected for any SSVSP or ISP will receive severance in accordance with LLNS severance pay policy, which can be found in the Personnel Policies and Procedures Manual Section L, II.10.2.

123. Question/Comment: Severance pay should be no less than one year for employees with over 20 years service, and documented in the Plan.

Response: Employees selected for any SSVSP or ISP will receive severance in accordance with LLNS severance pay policy, which can be found in the Personnel Policies and Procedures Manual Section L, II.10.2.

124. Question/Comment: Page 3, who are the stakeholders? Do these stakeholders have my best interest at heart or theirs?

Response: Stakeholders are LLNS employees, members of the surrounding community, LLNS, employee labor representatives, NNSA and any other interested party.

125. Question/Comment: Since the plan is intended to be 'open-ended' the customary 7-day comment period seems inappropriately short. I would ask the comment period be at least doubled and maybe extended to 30 days. For certain, those being asked to comment ought to be notified up front (not down in the bowels of the document) regarding this 'open-ended' nature plan so that more stakeholders will be alerted applying greater scrutiny than they otherwise might.

Response: Thank you for your comment.

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126. Question/Comment: Partner with employee organizations like SPSE-UPTE to assist management in finding means other than workforce reductions to absorb the costs related to the transition to private-sector management. Business decisions by LLNS, for example hiring additional senior managers and staff to implement changes, should not result in loss of jobs by legacy employees.

Response: If a restructuring is necessary, the contractor should consider various cost saving options to mitigate the need for involuntary layoffs.

127. Question/Comment: First, this draft is too general. If LLNS management or NNSA has plans for a workforce reduction, it needs to be clearly stated how many are anticipated to be let go, and exact dates. Tell us the plans, put them in the document. If the plan is to lay off 6000 to 8000 people by 2012, put it in here. Then base the plans off of that. To do less is like planning a road trip with no destination.

Second, with the number of people constructively forced into retirement during the LLNL transition, and the people already let go since Oct 1, would you please look into LLNL compliance with the WARN act as well as the Section 3161 plan. Employees should have been notified before these layoffs began. The DRAFT is misleading as it states how a workforce restructuring may occur, but in fact it has been going on for many months, in my opinion.

On page 3 you mention Obligations under executive order 11246 to scrutinize proposed restructuring with minorities and other protected classifications. However, from what I have seen, Retirees were specifically targeted to be let go, so let's be consistent here. Maybe you need to just remove those lines.

The draft mentions internal transfers. Talk about where the funds are going to come from for the retraining and retention of these employees. Is the DOE going to pay for this retraining? Does it come out of program budgets?

An internal job fair is meaningless when there is no budget for LLNL jobs. Make it a full job fair and invite all industry (Google, Intel, other DOE lab recruiters etc) then it will be a real job fair. Otherwise, just remove the job fair idea. We have an LLNL jobs page, people can go there to see what is available.
https://jobs.llnl.gov/prod_index.html

Retraining: The Draft mentions retraining. However, it says that it only applies to those who meet minimum requirements for the job. This is not retraining. Retraining is defined in wikipedia as: " **Retraining** is the process of learning a new skill or trade, often in response to a change in the economic environment. Generally it reflects changes in profession choice rather than an "upward" movement in the same field." See the NAFTA retraining document for a guide on how retraining should work: <http://www.doleta.gov/programs/factsht/nafta.htm> " **Training** for employment in another job or career. Workers may receive up to 104 weeks of approved training in occupational skills, basic or remedial education, or training in literacy or English as a second language. " Under section V, A.1 Retraining programs, the DOE objective is not met by V A.2. "A job fair". A job fair is not retraining. I do not see anywhere in this document that address the DOE objective stated in section V.A.1. Will flex term employees be let go first, since this designation was originally designed for changing business needs? Will there be a VSP first to minimize impact? Can a restructuring be implemented by turnover alone? Write in some clear guides that give direction on how Workforce restructuring should be implemented.

Finally, section D: OUTPLACEMENT SERVICES. It says it will be based on available funding. Where will this funding come from? Either LLNL needs to allocate enough funds for inclusion of these services, or this idea needs to be removed from the DRAFT.

Response: The contractor must comply with all applicable WARN Act requirements in connection with any involuntary separations conducted in connection with any Section 3161 restructuring. Availability of benefits under Section 3161 such as internal transfers are dependent on the budget and to the extent otherwise practicable under the circumstances. However, employees should consult their LLNS personnel policy for further information on specific benefits. This Workforce Restructuring Plan establishes that a restructuring of the LLNL workforce MAY take place in the future, and sets forth, among other things, what general procedures will guide that restructuring and what benefits may be available to employees affected by the restructuring. If circumstances require an actual restructuring, employees will be notified of actual, relevant procedures by their employer. NNSA strongly encourages contractors to consider various cost saving options to mitigate the need for involuntary layoffs.

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128. Question/Comment: The workforce restructuring plan for LLNL gives short shrift to "communications." While it acknowledges that "timely and accurate communication with employees is essential," it offers very little guidance other than ensuring employees get information before the media. A detailed communication plan should be a prerequisite to any restructuring. No one likes to communicate bad news and managers at all levels are no exception. Without guidance and incentives, they're unlikely to communicate effectively or be able to meet the requirement of informing employees before the media.

In my experience (I've been through layoffs with a previous employer as well as a VSIP here at LLNL) legal issues, both real and perceived, lead to muddied communications that are, as often as not, a day late and short on new useful information. The legalistic language of "workforce restructuring" communications is often impersonal and contrary to the compassion, respect and dignity that should be the guiding principle of all communications under such circumstances. How such news is communicated is as important as what is communicated.

Unfortunately, the conclusion of the paragraph on communication provides only a rationale for obfuscation and an excess of caution: "The contractor will ensure that all information intended for release to internal and external audiences is consistent with all legal and contractual requirements, including any applicable personnel policies."

I strongly recommend that more thought be given to issues of communication and specific guidelines and incentives for effective communications be provided (with consequences for failure). Require a communication plan that spells out not only what will be communicated, but how and when it will be communicated. Require a communications team that represents a cross section of the Laboratory, including rank and file employees and Ombuds representatives, as well as communications professionals who can ensure the message is composed and delivered with sensitivity. In a workforce restructuring it's also important to consider and address the needs of those who remain; this is often overlooked.

I fear that if more importance isn't attached to communications in the event of a layoff -- voluntary or otherwise -- employee morale and productivity will suffer more than necessary.

Response: Thank you for your suggestions.

129. Question/Comment: ASAP, allow employees to see "the LLNL/LLNS list" of essential employee skill sets. Although "change" is forecast, internal news and administrative briefs have been weak on complete details. The dizzying speed at which administrative decisions affect employees is worrisome. Good planning takes a near-, and far-, term outlook--and I've about given up on an accurate 2008+ 'outlook.' Please help our transition by communicating everything known, as it becomes available?

Response: Thank you for your suggestions. Assessments of the rolling three-year workforce assessments will not be made available to employees. However, employees are encouraged to verify that their skills inventories are accurate.

130. Question/Comment: It could make the employees feel better if there were a plan in place for companies that are members of the LLC to present a job faire and give preference to LLL terminated employees. I'm sure we'd appreciate any of the details about how the company plans to "ease the burden" on the community and the work force, should terminations become necessary.

Response: Thank you for your suggestions.

131. Question/Comment: Could you please explain how LLNS will fulfill one of the contract's requirements, which is to retain and attract the best talent, if they have RIFs and reduced benefits?

Response: Thank you for your comments.